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Chapter 7
Motor Vehicle Operations

POLICY AND PROCEDURE
MOTOR VEHICLE SEARCHES

I. PURPOSE

The purpose of this policy is to provide departmental personnel with guidelines for the search of motor vehicles.

II. POLICY:

It is the policy of this department to conduct motor vehicle searches that are both legal and thorough. Such searches are to be conducted in strict observance of the Constitutional Rights of the owner and occupants of the motor vehicle being searched and with due regard for the safety of all officers, other persons and property involved.

III. DEFINITIONS

Motor Vehicle: Any vehicle operating or capable of being operated on public streets or highways to include automobiles, trucks, trailers, recreational vehicles, mobile homes, motor homes and any other type of vehicle, whether self-propelled or towed. This policy does not apply to vehicles of any type that have been immobilized in one location for use as a temporary or permanent residence or storage facility, or which are otherwise classified by the law as residences or buildings.

Search: An examination of all or a portion of the vehicle with an investigatory motive (i.e., for the purpose of discovering fruits, instrumentalities or evidence of a crime or contraband, or to enter the vehicle to examine the vehicle identification number or determine the ownership of the vehicle). Inventories of personal property conducted pursuant to impoundment of the vehicle are not covered by this policy.

IV. PROCEDURES:

A. When Vehicle Searches May Be Conducted:

Whenever feasible, a warrant will be obtained for the search of a motor vehicle. Warrantless searches are to be conducted only when lack of time or other exigencies make it impractical for officers to obtain a warrant. Such exceptions to this warrant requirement include:

1. when probable cause to search the vehicle exists;
2. with written consent of the person in immediate contemporaneous control the vehicle;
3. with verbal consent of the person in immediate contemporaneous control of the vehicle, when such consent is recorded utilizing a department issued body worn camera;
4. incident to an arrest of the occupants of the vehicle subject to IV.B.5 listed below;
5. to frisk for weapons when there is reason to believe the subject is armed;
6. when necessary to examine the vehicle identification number or to determine the ownership of the vehicle;
7. when an officer observes in plain view contraband, evidence of a crime, or other items subject to seizure;
8. when it falls under the caretaking function of law enforcement; or;
9. under emergency circumstances not otherwise enumerated above.

B. Scope of Vehicle Searches:

1. Searches with a warrant. When searching under a warrant, officers may search all areas of the vehicle unless the warrant states otherwise.
2. Probable cause searches. Probable cause searches may extend to all areas of the motor vehicle, unless the probable cause is limited to a specific area of the vehicle.
3. (Written) consent searches. Written consent must be obtained before any search under this section. Written consent must be freely and voluntarily given by the person in immediate contemporaneous control of the vehicle. General written consent to search a vehicle will include any compartments and closed unlocked containers within the vehicle that are capable of containing the item searched for. Any unlocked containers searched shall not be damaged when attempting to gain access. When locked containers are present within the vehicle, a separate written consent must be signed before searching. Please adhere to Section C below when searching containers. In all written consent searches, the consenting party must be present during the search and at any time may withdraw such consent. (Note: The written consent form is attached to this policy)
4. (Verbal) consent searches. Verbal consent may be obtained as an alternative to written consent. Verbal consent must be freely and voluntarily given by the person in immediate contemporaneous control of the vehicle. Verbal consent may only be obtained when an officer on scene is actively recording the encounter utilizing a department issued body worn camera. General verbal consent to search a vehicle will include any compartments and closed unlocked containers within the vehicle that are capable of containing the item searched for. Any unlocked containers searched shall not be damaged when attempting to gain access. When locked containers are present within the vehicle, a separate verbal consent must be obtained

before searching. Please adhere to Section C below when searching containers. In all verbal consent searches, the consenting party must be present during the search and at any time may withdraw such consent.

5. Searches incident to arrest. Police may search a vehicle incident to a recent occupant's arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search or it is reasonable to believe the vehicle contains evidence of the offense of arrest. When these justifications are absent, a search of an arrestee's vehicle will be unreasonable unless police obtain a warrant or show that another exception to the warrant requirement applies. (Arizona v. Gant, 2009)
6. Frisks for weapons. Where there is an objectively reasonable belief that a driver or occupant of a vehicle is potentially dangerous, officers may conduct a search/frisk of the vehicle for weapons. Frisks for weapons normally must be confined to the passenger area of the vehicle. Areas not immediately accessible to the vehicle's occupants, such as a locked glove compartment, may not be frisked.
7. Entries to examine a vehicle identification number or to determine ownership of the vehicle. Entries made to examine the vehicle identification number or to determine the ownership of the vehicle must be limited to actions reasonably necessary to accomplish these goals.
8. Emergencies. Officer may enter a vehicle without a search warrant where emergency circumstances make it necessary for them to do so in order to protect life or property or when the exigencies of the situation otherwise require such action. Search of a motor vehicle under emergency circumstances not otherwise enumerated above must be co-extensive with the nature of the emergency. The proper extent of the search must therefore be determined by search personnel in each specific situation, but in no event will the extent of the search exceed that necessary to respond properly to the emergency. Note: Where the initial search discloses probable cause to believe that other portions of the vehicle may contain fruits, instrumentalities or evidence of a crime or contraband, any additional portions of the vehicle may be searched that could reasonably contain the items being sought.

C. Search of Containers Found in Vehicle:

In no instance shall a container in a motor vehicle be searched unless it could contain the item(s) being sought. In addition:

1. Unlocked containers found in motor vehicles are governed by the nature of the search, as follows:
 - a. In a probable cause search, containers such as paper bags, cardboard boxes, wrapped packages, etc., wherever found in the vehicle, may be opened provided that they could contain the items being searched for.
 - b. When the passenger compartment of a vehicle is being searched incident to an arrest, such unlocked containers found within the passenger compartment may be opened provided that they could contain the items being searched for.

- c. Unlocked containers discovered during a written or verbal consent search of the vehicle will be considered to be within the scope of that search and may be opened provided that they could contain the items being searched for.
 - d. Unlocked containers found in or discarded from a vehicle under circumstances that do not justify their search under probable cause rules or in connection with a search incident to arrest should be secured but not searched until a warrant is obtained to search them.
2. Locked containers such as; attaché cases, suitcases and footlockers found during a vehicle search should be opened only if:
- a. the search is being conducted under a warrant; or
 - b. a valid written or verbal consent to open the locked container is first obtained. Where these conditions are not met, locked containers should be secured by search personnel and opened only after a search warrant has been obtained.

D. Location and Time of Search

Whenever possible, search of a motor vehicle, and of containers found therein should be conducted at the location where the vehicle was discovered or detained. Under extremely exigent circumstances, search of the vehicle or container may be delayed and/or conducted after the vehicle or container has been moved to another location. However, in all instances searches shall be conducted as soon as is reasonably possible; that is, as soon as adequate personnel are available to conduct a thorough search with due regard for the safety of all officers, citizens and property concerned.

E. Conduct of the Search:

Motor vehicle searches shall be conducted in a manner that minimizes the intrusiveness of the search and the inconvenience caused to vehicle owners, occupants and other persons involved. Where possible, damage to the vehicle or to other property in the course of the search should be avoided. Where unavoidable, such damage should be confined to that reasonably necessary to carry out a safe and thorough search. Whenever possible, a back-up officer should be summoned prior to searching the vehicle.

For their own safety, police officers may order both the operator and any passenger out of the vehicle during a search of the vehicle.

F. Abandoned Vehicles:

Examination of a vehicle that has been abandoned on a public thoroughfare is technically not a search. If an officer can determine in advance that the vehicle has been abandoned, examination of the interior of the vehicle shall be conducted only in accordance with the provisions of this policy and the law.

G. Seizure of Evidence:

Any evidentiary items discovered in the course of a motor vehicle search shall be collected, handled, packaged, marked, transported and stored in accordance with applicable policies and procedures of this department. Where appropriate and feasible, itemized receipts for seized property shall be given to the owner and/or occupants of the vehicle.

H. Compliance with Health and Safety Requirements:

Searches of motor vehicles are to be conducted in strict compliance with all applicable laws, governmental regulations, and departmental policies and procedures pertaining to the protection of departmental personnel from communicable diseases and hazardous substances. Any exposure of search personnel or others to such substances shall be reported in accordance with regulations, policies and procedures of this department.

I. Security of Vehicles and Property Contained Therein:

If search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

J. Responsibility of Supervising Officer:

An officer supervising a vehicle search shall be responsible for ensuring that it is conducted in accordance with this policy. In the event that the vehicle search is conducted under a warrant, the officer shall ensure that the execution of the warrant is properly reported to the issuing court or other authority. The officer shall also be responsible for making any other reports regarding the search that may be required by law, policy, procedure or practice.

K. Items Belonging to Passengers:

Items belonging to passengers (e.g., wallets, handbags, purses, etc.) may be examined only if officers have probable cause to search the vehicle, and the belonging in question is capable of concealing the item or items being searched for, or Officers have received valid consent to search the item, or a passenger has been placed under arrest and the belongings are being searched lawfully searched incident to that arrest.

L. Seizure of Forfeitable Vehicles:

If there is probable cause to believe that the vehicle is forfeitable under the law as contraband, no warrant is needed before seizing the vehicle from a public place. Once seized, vehicles may be inventoried under established departmental inventory policy.

M. Policy Limitations:

This policy is intended to guide all officers in the general procedures of vehicle searches. All officers are required to know applicable law regarding vehicle searches. Officers are required to keep themselves apprised of new statutes, new federal and state court decisions as they pertain to the law of conducting vehicle searches. In the ever changing world of law enforcement, the *Connecticut Law Enforcement Handbook, Field Manual* is a resource that each officer must be familiar with and use to properly apply the law.